JS 44 (Rev. 12/12)

cv-06739-AB Document 1 Filed 12/21/15 Page of 12
CIVIL COVER SHEET

CIVIL COVER SHEET

CIVIL COVER SHEET The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other paper

provided by local rules of court.	This form, approved by the	Judicial Conference of	f the Unite	ed States in September M.)	г 1974	1, is requir	ed for the use of th	e Clerk of Ćo	ourt for t	the
I. (a) PLAINTIFFS				DEFENDANTS						
JEREMY IMP	PELLIZZERI			PENNCRO	O AS	SOCIAT	ES, INC.	$\widehat{}$		
(b) County of Residence of F	First Listed Plaintiff	SUFFOLK		County of Residence	County of Residence of First Listed Defendant					
(EX	CEPT IN U.S. PLAINT FF CA	SES)		(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USA THE LOCATION OF THE TRACT OF LAND INVOLVED.						
(c) Attorneys (Firm Name, A	ddress, and Telephone Number			Attorneys (If Known	n)					
BARSHAY SA	NDERS, PLLC			, .,						
100 Garden City (516) 203-7600	y Plaza, Ste 500, Garden	City, NY 11530								
II. BASIS OF JURISDI		ne Box Only)		TIZENSHIP OF	PRI	NCIPA	L PARTIES P			
O 1 U.S. Government	3 Federal Question		(For L	Diversity Cases Only)	PTF	DEF		and One E	lox for Defi PDF	endant) DEF
Plaintiff	(U.S. Government N	lot a Party)	Citize	en of This State	0 1	0 1	Incorporated or Prin of Business In Th		0	4 0 4
O 2 U.S. Government Defendant	O 4 Diversity (Indicate Citizenship	o of Parties in Item III)	Citize	en of Another State	O 2	O 2	Incorporated and Pr of Business In Ar		0	5 0 5
				en or Subject of a preign Country	O 3	O 3	Foreign Nation		0	6 06
IV. NATURE OF SUIT	(Place an "X" in One Box Onl		Pro Pro	ORFEITURE/PENALTY	Y	BAN	KRUPTCY	OTHER	STATI	JTES
O 110 Insurance	PERSONAL INJURY	PERSONAL INJU		Drug Related Seizure of			il 28 USC 158	O 375 False		
O 120 Marine O 130 Miller Act	O 310 Airplane O 315 Airplane Product	O 365 Personal Injury - Product Liability	0 69	Property 21 USC 881 O Other	c	423 Withd 28 US		O 400 State I O 410 Antitr		ionment
O 140 Negotiable Instrument	Liability	O 367 Health Care/		o dilei	Ĺ			O 430 Banks	and Ban	king
O 150 Recovery of Overpayment & Enforcement of Judgment	O 320 Assault, Libel & Slander	Pharmaceutical Personal Injury			C	980 Соруг	rights	O 450 Comm O 460 Depor	tation	
O 151 Medicare Act	O 330 Federal Employers'	Product Liability				830 Paten 840 Trade		C 470 Racket	eer Influ	
O 152 Recovery of Defaulted Student Loans	Liability O 340 Marine	O 368 Asbestos Personal Injury Product			_ [7 840 Trage	тык	• 4:0 Const	pt Organ ımer Cre	
(Excludes Veterans)	O 345 Marine Product	Liability	0.71	LABOR Fair Labor Standards		SOCIAI) 861 HIA (ISECURITY 1305 CD	O 4 0 Cable		disin-/
O 153 Recovery of Overpayment of Veteran's Benefits	Liability O 350 Motor Vehicle	PERSONAL PROPER O 370 Other Fraud	RIYO	Act			Lung (923)	Excha		modities/
O 160 Stockholders' Suits	O 355 Motor Vehicle	O 371 Truth in Lending	O 72	Labor/Management Relations) 863 DIW() 864 SSID	C/DIWW (405(g))	O 890 Other		
O 190 Other Contract O 195 Contract Product Liability	Product Liability O 360 Other Personal	O 380 Other Personal Property Damage	0 74	Railway Labor Act) 865 RSI (4		O 891 Agrico O 893 Enviro		
O 196 Franchise	Injury	O 385 Property Damage	0 75	I Family and Medical Leave Act				O 895 Freedo	m of Inf	ormation
	O 362 Personal Injury - Medical Malpractice	Product Liability		O Other Labor Litigation	L			Act O 896 Arbitr	ation	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIO	NS 0 79	1 Employee Retirement			AL TAX SUITS	O 899 Admir		
O 210 Land Condemnation O 220 Foreclosure	O 440 Other Civil Rights O 441 Voting	Habeas Corpus: O 463 Alien Detainee		Income Security Act	١		(U.S. Plaintiff efendant)	1	eview or cy Decis	Appeal of
O 230 Rent Lease & Ejectment	O 442 Employment	O 510 Motions to Vacate			c	871 IRS—	-Third Party	O 950 Consti	tutionalit	
O 240 Torts to Land O 245 Tort Product Liability	O 443 Housing/ Accommodations	Sentence O 530 General				26 U	SC 7609	State	Statutes	
O 290 All Other Real Property	O 445 Amer. w/Disabilities -	O 535 Death Penalty	(10) 110 200 200	IMMIGRATION						
	Employment O 446 Amer, w/Disabilities -	Other: O 540 Mandamus & Othe		2 Naturalization Applicati 9 465 Other Immigration						
	Other	O 550 Civil Rights	- 1	actions	- 1					
	O 448 Education	O 555 Prison Condition O 560 Civil Detainee								
4.		Conditions of Confinement								
OR GIN (Place an "X" in	0.000	Confinement								
• 1 O iginal O 2 Rem	noved from O 3 Rea	manded from Appellate Court	O 4 Rein Red		other I	d from District	O 6 Multidistrict Litigation			
	Cite the U.S. Civil St	atute under which you a	are filing	Do not cite jurisdictional	l statu	tes unless d	liversity): 15 USC	§1692		
VI. CAUSE OF ACTIO	N Brief description of car	use: Fair Debt (Collection	on Practices Act V	Viola	ition				
VII. REQUESTED IN	O CHECK IF THIS I UNDER RULE 2	S A CLASS ACTION	D	EMAND \$1000.00			CHECK YES only	•		olaint:
COMPLAINT: VIII. RELATED CASE		-,				JL	RY DEMAND:	DEC	O No	1 201
IF ANY (See instru	•	JDGE			_	DOC	KET NUMBER	חבו	, <u>L</u>	201
DATE December 7, 2015		SIGNATURE OF AT	TORNEY	OF RECORD					9	3.7.
FOR OFFICE USE ONLY						·				
RECEIPT # AN	TNUON	APPLYING IFP		JUDGE	E		MAG. JUI	OGE		

Case 20.5 0v-06739-AB Document 1 Filed 12/21/15 Page 2 of 12 UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

assignment to appropriate calendar. 7 Shamrock Road, ROCKY POINT, New York 11778	
Address of Plaintiff:	15 6739
Address of Defendant: 95 James Way # 113, SOUTHAMPTON, Pennsylvania 18966	
Place of Accident, Incident or Transaction:	For Additional Space)
`	
Ooes this civil action involve a nongovernmental corporate party with any parent corporat (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P.	
(Anator two copies of the Discussive Statement of the Indicate Will Technique)	
Does this case involve multidistrict litigation possibilities?	Yes 🔽 No 🗷
RELATED CASE, IF ANY: Case Number: Judge	Dua Tamaiana da
ase Number:Judge	Date Terminated:
ivil cases are deemed related when yes is answered to any of the following questions:	
. Is this case related to property included in an earlier numbered suit pending or within	one year previously terminated action in this court?
. Does this case involve the same issue of fact or grow out of the same transaction as a	Yes No 🗷
Does this case involve the same issue of fact or grow out of the same transaction as a action in this court?	prior suit pending or within one year previously terminated
Does this case involve the validity or infringement of a patent already in suit or any er	Yes No E
3. Does this case involve the validity or infringement of a patent already in suit or any exterminated action in this court?	Yes \(\bigcup \) No \(\bigcup \)
. Is this case a second or successive habeas corpus, social security appeal, or pro se civ	vil rights case filed by the same individual?
is this case a second of successive handas corpus, social security appear, or pro-sective	Yes No 🗷
CIVIL: (Place \checkmark in ONE CATEGORY ONLY)	
A. Federal Question Cases;	B. Diversity Jurisdiction Cases:
1. Indemnity Contract, Marine Contract, and All Other Contracts	 Insurance Contract and Other Contracts
2. FELA	2. Airplane Personal Injury
Jones Act-Personal Injury	3. Assault, Defamation
4. Antitrust	4. Marine Personal Injury
5. Patent	5. Motor Vehicle Personal Injury
6. Labor-Management Relations	6. Other Personal Injury (Please specify)
7. Civil Rights	7. Products Liability
8. Habeas Corpus	8. Products Liability — Asbestos
9. Securities Act(s) Cases	All other Diversity Cases
Social Security Review Cases	(Please specify)
1 . 🗷 All other Federal Question Cases	
Please specify) FDCPA 15 U.S.C. 1692	
ARBITRATION CI	
Melissa A. Pirillo (Check Appropri	
Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowled	lge and belief, the damages recoverable in this civil action case exceed the su
of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.	
Notice office dian monetary damages is sough.	
ATE: December 7, 2015	314730
Attorney at-Law	Attorney I.D.#
NOTE: A trial de novo will be a trial by jury only	it there has been compliance with F.R.C.P. 38.
I certify that, to my knowledge, the within case is not related to any case now pendin	ng or within one year previously terminated action in this court
except as noted above.	
DATE: December 7, 2015	314730
Attorney-at-Law	Attorney I.D.#

Case 2:15-cv 06739-AB Document 1 Filed 12/21/15 Page 3 of 12

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

: CIVIL ACTION

Telephone	FAX Number		E-Mail Addres	SS
(516) 203-7600	(516) 282-7878		mpirillo@sanderslawpllo	c.com
Date	Attorney-at-law		Attorney for	
December 7, 2015			PLAINTIFF	
(f) Standard Management	- Cases that do not fall into a	ny one of the	other tracks.	
commonly referred to a by the court. (See rever management cases.)	Cases that do not fall into tra s complex and that need spec se side of this form for a deta	cial or intense iiled explanati	management on of special	
(d) Asbestos – Cases invol exposure to asbestos.	ving claims for personal inju	iry or property	y damage from	()
(c) Arbitration – Cases red	quired to be designated for a	rbitration und	der Local Civil	Rule 53.2. ()
	s requesting review of a deci- nying plaintiff Social Securit		cretary of Healt	h ()
a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.				()
SELECT ONE OF THE I	FOLLOWING CASE MAN	AGEMENT '	TRACKS:	
plaintiff shall complete a C of filing the complaint and reverse side of this form.) I said designation, that defen serve on the plaintiff and al	Il Justice Expense and Delay ase Management Track Designserve a copy on all defendant on the event that a defendant dant shall, with its first appear I other parties, a Case Manager that defendant believes the	gnation Form is. (See § 1:03 loes not agree arance, submit gement Track)	in all civil cases of the plan set to with the plaintie to the clerk of the Designation For	at the time forth on the ff regarding court and
Penncro Associates, Inc.		:		
	v.	: NO.	<u>E</u> @	
· ·		:	16	6739

(Civ. 660) 10/02

Jeremy Impellizzeri





100 Garden City Plaza, Suite 500 Garden City, New York 11530

Tel: (516) 203-7600 Fax: (516) 706-5055

Email: ConsumerRights@BarshaySanders.com

Attorneys for Plaintiff
Our File No.: 109845



UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

JEREMY IMPELLIZZERI,

Plaintiff,

VS.

...

JURY TRIAL DEMANDED

6739

Docket No:

COMPLAINT

PENNCRO ASSOCIATES, INC.,

Defendant.

JEREMY IMPELLIZZERI (hereinafter referred to as "Plaintiff"), by and through the undersigned counsel, complains, states and alleges against PENNCRO ASSOCIATES, INC. (hereinafter referred to as "Defendant"), as follows:

INTRODUCTION

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., ("FDCPA").

JURISDICTION AND VENUE

- 2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).
- 3. This Court has personal jurisdiction over Defendant because Defendant maintains its principal place of business in Pennsylvania.
- 4. Venue is proper under 28 U.S.C. §1391(b) because Defendant resides in this Judicial District and/or because a substantial part of the events or omissions giving rise to this claim occurred in this Judicial District.

5. At all relevant times, Defendant conducted business within the State of Pennsylvania.

PARTIES

- 6. Plaintiff is an individual who is a citizen of the State of New York.
- 7. Plaintiff, a "consumer" as defined by 15 U.S.C. § 1692a(3), is allegedly obligated to pay a debt.
- 8. On information and belief, Defendant's principal place of business is located in Southhampton, Pennsylvania.
- 9. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.
- 10. Defendant is a person who uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, and is therefore a "debt collector" as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

- 11. Plaintiff's alleged debt was primarily for personal, family or household purposes and is therefore a "debt" as defined by 15 U.S.C. § 1692a(5).
- 12. Sometime after the incurrence of the debt, but before the initiation of this action, Plaintiff is alleged to have fallen behind on payments allegedly owed on the alleged debt.
- 13. At a time known only to Defendant, Plaintiff's alleged debt was assigned or otherwise transferred to Defendant for collection.
- 14. In its efforts to collect the alleged debt, Defendant contacted Plaintiff by written correspondence. ("Exhibit 1.")
- 15. Defendant's written correspondence to Plaintiff is a "communication" as defined by 15 U.S.C. § 1692a(2).
- As set forth in the following Counts, Defendant's communication violated the FDCPA.

FIRST COUNT Violation of 15 U.S.C. § 1692f Disclosure of Plaintiff's Account Number

- 17. Plaintiff repeats and realleges the foregoing paragraphs as if fully restated herein.
- 18. 15 U.S.C. § 1692f provides a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.
- 19. 15 U.S.C. § 1692f(8) limits the language and symbols that a debt collector may place on envelopes it sends to consumers.
- 20. 15 U.S.C. § 1692f(8) prohibits a debt collector from using any language or symbols on the envelope, other than the debt collector's address, when communicating with a consumer by mail, except that a debt collector may place its business name on the envelope if such name does not indicate that the debt collector is in the debt collection business.
- 21. 15 U.S.C. § 1692f(8)'s prohibition applies to language and symbols both on the envelope, and language and symbols visible through any glassine window of the envelope. *See, Douglass v. Convergent Outsourcing*, 765 F.3d 299 (3rd Cir 2014).
- 22. 15 U.S.C. § 1692f(8) prohibits a debt collector's disclosure of the debtor's account number on the envelope. *Id.*
- 23. 15 U.S.C. § 1692f(8) prohibits a debt collector's disclosure of the debtor's account number by making such visible through any glassine window of the envelope. *Id*.
 - 24. Defendant used an envelope with a glassine window in its mailing to Plaintiff.
 - 25. Visible through the glassine window of the envelope was a bar code.
- 26. The bar code visible through the glassine window can be easily scanned by anyone with a smartphone, as bar code scanning applications are easily accessible to the public free of charge.
- 27. Defendant disclosed Plaintiff account number in its mailing to Plaintiff by making such barcode visible through the glassine window of the envelope.
- 28. Defendant used language other than Defendant's address and business name, on the envelope it sent to Plaintiff.
- 29. Defendant has violated § 1692f by using language other than Defendant's address and business name on the envelope it sent to Plaintiff.
 - 30. Defendant has violated § 1692f by disclosing Plaintiff account number in its

mailing to Plaintiff.

JURY DEMAND

31. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Statutory damages against Defendant pursuant to 15 U.S.C. § 1692k of \$1,000.00; and
- b. Plaintiff's attorneys' fees pursuant to 15 U.S.C. § 1692k; and
- c. Plaintiff's costs; together with
- d. Such other relief that the Court determines is just and proper.

DATED: December 7, 2015

BARSHAY SANDERS, PELO

Melissa A Pirillo, Esq.

BARSHAY SANDERS, PLLC 100 Garden City Plaza, Suite 500 Garden City, New York 11530

Tel: (516) 203-7600 Fax: (516) 706-5055

ConsumerRights@BarshaySanders.com

Attorneys for Plaintiff Our File No.: 109845

EXHIBIT 1

Dear Jeremey Impellizzeri:

The above referenced debt has been placed with our office for collection.

Rocky Point, NY 11778-8691

Please contact us at the number below to make arrangements for payment,

Any payments made on this account should be made payable to AMERICAN HONDA FINANCE CORP and mailed to our office in the return envelope provided.

Sincerely, Penncro Associates 800-684-7620

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment, if one exists, and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

---- Please detach here and enclose bottom portion with your payment ------STATEMENT OF ACCOUNT NAME: Jeremey Impellizzeri AMOUNT ENCLOSED: \$_____ CLAIM #: b829 CREDITOR: AMERICAN HONDA FINANCE CORP Mail all other correspondence to: **REGARDING: PAST DUE AUTO DEFICIENCY** 95 James Way, Suite 113 ACCOUNT #: B778 Southampton, PA 18966-3847 FOR QUESTIONS CALL: 800-684-7620 BALANCE DUE:

	Please check here if your address or phone number has changed. Please indicate changes below.
NIA	NAT

\$10,432.83

NAME **ADDRESS** CITY / STATE / ZIP PHONE

PO Box 1878 Southampton, PA 18966-9998

Mail payment to:

Penncro Associates, Inc.

We are required under certain State and Local laws to notify consumers of those states or localities of their rights. The following does not contain a complete list of the rights consumers have under Federal, State or Local laws:

NEW YORK

Prohibited Actions Notice

Debt collectors, in accordance with the Fair Debt Collection Practices Act, are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

- (i) the use or threat of violence;
- (ii) the use of obscene or profane language; and
- (iii) repeated phone calls made with the intent to annoy, abuse, or harass.

Exempt Income Notice

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- 1. Supplemental security income, (SSI);
- 2. Social security;
- 3. Public assistance (welfare);
- 4. Spousal support, maintenance (alimony) or child support;
- 5. Unemployment benefits:
- 6. Disability benefits:
- 7. Workers' compensation benefits:
- 8. Public or private pensions;
- 9. Veterans' benefits:
- 10. Federal student loans, federal student grants, and federal work study funds; and
- 11. Ninety percent of your wages or salary earned in the last sixty days.

New York City Department of Consumer Affairs license numbers 1081441 and 1379313.

Rocky Point, NY 11778-8691

	STATEMENT OF ACCOUNT
NAME:	Jeremey Impellizzeri
CLAIM #:	0829
CREDITOR:	AMERICAN HONDA FINANCE CORP
REGARDING:	PAST DUE AUTO DEFICIENCY
ACCOUNT #:	B778
	
BALANCE D	VE: \$10,432.83

Dear Jeremey Impellizzeri:

This account is eligible for a reduced settlement. Please call our office at the phone number listed below in order to take advantage of this settlement opportunity.

Sincerely, Penncro Associates 800-684-7620

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

---- Please detach here and enclose bottom portion with your payment -----

New York City - New York City Department of Consumer Affairs license numbers 1081441 and 1379313

STATEMENT OF ACCOUNT NAME: Jeremey Impellizzeri CLAIM #: 0829 CREDITOR: AMERICAN HONDA FINANCE CORP **REGARDING: PAST DUE AUTO DEFICIENCY** ACCOUNT #: 1 8778 FOR QUESTIONS CALL: 800-684-7620 **BALANCE DUE:** \$10,432.83 Please check here if your address or phone number has changed. ☐ Please indicate changes below. NAME

Mail all other correspondence to:
95 James Way, Suite 113
Southampton, PA 18966-3847

Mail payment to:
Penncro Associates, Inc.
PO Box 1878
Southampton, PA 18966-9998

CITY / STATE / ZIP _

ADDRESS

PHONE_